

## **REMARKS**

Applicants acknowledge receipt of the Office Action dated September 14, 2009, wherein the Examiner: (1) rejected certain claims under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,273,634 to Lohbeck and under 35 USC 103(a) as being unpatentable over Lohbeck; (2) rejected certain claims under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,564,875 to Bullock and under 35 USC 103(a) as being unpatentable over Bullock; and (3) lodged provisional nonstatutory obviousness-type double patenting rejections against the pending claims as claiming the same invention as those claims in copending Application No. 10/510,966. Applicants respectfully request reconsideration in view of the following remarks.

### ***Rejections based on Lohbeck***

All of the pending claims include coupling the ends of the first and second tubular members. Lohbeck, by contrast, discloses only that the end portions of the tubular members are placed in coaxial proximity to each other, and not coupled. For example, in Figure 2 of Lohbeck, the ends of tubular members 8, 9 are adjacent each other but also include a gap between them, meaning they are not in contact and cannot be coupled. Consequently, Lohbeck does not teach each and every element of the claims listed as anticipated by Lohbeck. Further, Lohbeck together with any other prior art teaching referenced by the Examiner does not render obvious the listed claims. Therefore, the pending claims are distinguished over Lohbeck and Applicants respectfully request allowance of same.

### ***Rejections based on Bullock***

The Examiner has rejected certain of the claims based on Bullock. It is Applicants' understanding that Bullock had previously been distinguished to the Examiner's satisfaction by Applicants' responses provided in the Amendments dated April 10, 2008 and December 19, 2008. More particularly, as previously noted by Applicants in these prior responses, Bullock discloses that only one tubular member is expandable while the other tubular member clearly is not expandable nor is it intended to be expanded. Nowhere does Bullock teach that the locking member 115 is radially expanded and plastically deformed. Additionally, Bullock does not teach that the tubular sleeve (collar 120) is radially expanded and plastically deformed. The collar 120 is removed from the expandable tubular member, and all radial expansion is performed on the single expandable

tubular member. Further, Bullock does not teach moving an expansion device through the tubular members and the tubular sleeve to radially expand and plastically deform the tubular members and the tubular sleeve. Consequently, Bullock does not teach each and every element of the claims listed as anticipated by Bullock. Further, Bullock together with any other prior art teaching referenced by the Examiner does not render obvious the listed claims. Therefore, the pending claims are distinguished over Bullock and Applicants respectfully request allowance of same. Applicants refer the Examiner to the Amendments dated April 10, 2008 and December 19, 2008 in the present application for further discussion of how Bullock is distinguished from the pending claims.

### ***Double Patenting***

The Examiner lodged a double patenting rejection of the present claims over the pending claims of Application No. 10/510966. However, Applicants are unclear which of the present claims are not patentably distinct from which claims of the ‘966 Application. For example, the present claims are method claims while most of the claims in the ‘966 Application are apparatus claims. Applicants respectfully request further clarification of the double patenting rejection so an appropriate response can be formulated. Applicants reserve the right to submit a terminal disclaimer, if necessary, in response to a more specific showing of nonstatutory obviousness-type double patenting.

### **CONCLUSION**

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

In the event that extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required are

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hereby authorized to be charged to Conley Rose, P.C.'s Deposit Account Number 03-2769 (2725-10105).

Respectfully submitted,

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